IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 21069 of 2004

Between:

Duvvuru Sreedhar Reddy, S/o. Janakiram Reddy,
R/o. Kattuvapalli Village, Manubolu Mandal,
Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Guduru, Nellore District.
3 The Mandal Revenue Officer, Manubolu Mandal,
Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or a direction, particularly one in the nature of writ of Mandamus, declaring the action of the respondents in evicting the petitioner from the lands to an extent Ac.5-00 cents in Sy.No.230/1-1 situated at kattuvapalli village, Manubolu Mandal, Nellore District without giving any notice and without conducting any enquiry is arbitrary, unreasonable and accordingly Set Aside the impugned order of the 3rd respondent made in Rc.No.B-236/04, dt. 07.09.2004 and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner's land to an extent of Ac.5-00 cents situated in Sy.No.230/1-1 of Kattuvapalli village, Manubolu Mandal, Nellore District.

Counsel for the Petitioner:MR.G.TUHIN KUMAR
Counsel for the Respondent No.: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER

Petitioner claims to be purchased the land to an extent of Ac.5.00 in Sy.No.230/1-1, situate in Kattuvapalli village, Manubolu Mandal, Nellore district from one Gorakavi Sitarama Prasad, who was originally assigned with the land, in the year 1992. By the impugned order dated 7.9.2004 the Mandal Revenue Officer, Manubolu-third respondent herein ordered for resumption of possession of the land to the Government on the ground that the petitioner purchased the assigned land by violating the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act').

Petitioner contends that though he submitted an application requesting to assign the land in question in his favour as he is a landless poor, without considering the same, the impugned orders are passed.

Against the impugned order passed by the Mandal Revenue Officer, a statutory appeal lies under Section 4-A of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 to the Revenue Divisional Officer. The petitioner is at liberty to approach the appellate authority by filing an appeal and it is always open for him to raise all the grounds including that of the grounds that he purchased the property in good faith, and as a landless poor he is entitled for assignment of the land in question, in the appeal to be filed by him.

The writ petition is accordingly dismissed with the above observations with no order as to costs.

A. GOPAL REDDY. J.

18th November, 2004

tsr.

To

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Guduru, Nellore District.
3 The Mandal Revenue Officer, Manubolu Mandal,
Nellore District

3. Two C.C.s to Government Pleader for Revenue, High Court Buildings,
Hyderabad.(OUT)

4 Two C.D. copies.